IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO.939 OF 2005

Vithal Stitaram Khule & Ors. ...Petitioners.
Vs.
Smt. Sitabai Damodar Pavale. ...
Respondent.

....

Mr. R. A. Thorat for the Petitioners.
Mr. Prashant Kulkarni for the Respondent.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

October 21, 2005.

P.C.:

It is common ground between Counsel that the suit which is pending between the parties is expedited and that the Petitioners have filed their affidavit in lieu of Examination-in-Chief. Since the trial is now imminent, it will neither be appropriate nor proper for this Court to exercise its jurisdiction under Article 227 of the Constitution against an interlocutory order. However, while disposing of this petition, it is clarified that all observations contained in the impugned order dated 27th October 2004 of the 9th Ad-hoc Additional District Judge, Pune are confined only to a prima facie evaluation of the merits at the interim stage and shall not come in the way of the trial of the suit. The petition is accordingly disposed of.